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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,208	08/21/2003	Frans Tuomela	012.P28085	7232
43831 7590 09/11/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			EXAMINER FIGUEROA, MARISOL	
			ART UNIT 2617	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,208	<b>Applicant(s)</b> TUOMELA ET AL.	
	<b>Examiner</b> Marisol Figueroa	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/16/2007 has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-5, 7-16, and 18 have been considered but are moot in view of the new ground(s) of rejection. See rejection below.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 2, 4, 7-9, 11, 12, 14, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. (US 6,590,969 B1) in view of JONSSON et al. (US 5,903,833).

**Regarding claim 1**, Peters discloses a method for setting up a redirection of contacts coming to a terminal, said redirection being to at least one other communication system, the method comprising:

sending to the terminal a proposal of an address of said at least one other communication system by utilizing a data transmission connection set up between the terminal and a first

communication system to be accepted and/or to activate the redirection (Fig. 1; col. 4, lines 12-32; a presence gatherer PRES\_GATH has the task of determining the most suitable terminal to receive incoming calls to a mobile terminal MOB\_T, thus when for example, the mobile terminal receives a fax call or message, the mobile terminal informs this to the presence gatherer (note that inherently the mobile terminal and the presence gatherer set up a connection to communicate), the presence gatherer determines the most suitable terminal to receive the call (e.g., secretary's facsimile terminal FAX\_T) and sends the address of the most suitable terminal (i.e., proposal) to the mobile terminal), wherein the proposal identifies one or more possible call forward targets of the at least one other communication system outside a home network of the terminal (col. 4, lines 23-29; the presence gatherer sends the address of the facsimile terminal to the mobile terminal which is a call forwarding target);

in response to the acceptance, automatically setting up a redirection of calls to the terminal to the at least one other communication system (col. 4, lines 30-41; col. 5, lines 13-46; the mobile terminal MOB\_T receives the address of the fax terminal (i.e., proposal) and applies to the control terminal of the call forwarding unit which automatically forwards the call to the most suitable terminal, note that the automatically applying the address for call forwarding denotes acceptance and/or activation of call forwarding); and

wherein the contacts are directed to the at least one other communication system based, at least in part, on a parameter selected from a group of parameters including at least one of: a presence of text content in said contact, a presence of audio content in said contact, a presence of pictorial content in said contact, a subject of said contact, a caller originating said contact, and a calling group originating said contact (col. 2, lines 8-12; col. 4,

lines 12-17; the mobile terminal upon receiving call determines the call type (i.e., parameter), for example, the call is a fax call which includes text and the mobile terminal forwards the call because it cannot handle this type of call).

But, Peters does not particularly disclose receiving from the terminal, an acceptance based on the proposal and user input regarding the proposal.

However, Jonsson teaches receiving from a terminal an acceptance based on a proposal and user input regarding the proposal (Fig. 11 steps 468, 470; Abstract; col. 6, line 62 – col. 7, lines 1-32; the mobile terminal displays a list of telephone numbers (i.e., proposals) to a user and the user inputs a preference (i.e., acceptance) to the mobile terminal to receive or make the incoming or outgoing call via one of the nearby fixed telephones). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of receiving from a terminal an acceptance based on a proposal and user input regarding the proposal, as suggested by Jonsson, since Jonsson states that such a modification would allow a user to select or accept a network (i.e., proposal) based on a user's preference (see Abstract).

**Regarding claim 2**, the combination of Peters and Jonsson disclose the method according to claim 1, in addition Peters discloses wherein the at least one other communication system is located outside a coverage area of a first communication system (col. 2, lines 29-37; col. 3, lines 40-58; the collection of terminals comprises a network of devices which it is outside the coverage area of the mobile communication system).

**Regarding claim 4**, the combination of Peters and Jonsson disclose the method according to claim 1, in addition Peters discloses wherein the terminal comprises means for

performing mobile communication (Fig. 1; the mobile terminal MOB\_T performs mobile communication).

**Regarding claim 7**, the combination of Peters and Jonsson disclose the method according to claim 1, in addition Peters discloses wherein a contact leaving another terminal and aimed at the terminal is directed to the at least one other communication system (col. 2, lines 4-25; the calls incoming to the mobile terminal are forwarded to the most suitable terminal within a certain area which comprises another communication system).

**Regarding claim 8**, the combination of Peters and Jonsson disclose the method according to claim 1, in addition Peters discloses wherein a parameter is determined from the terminal that is the actual target of the contact (col. 4, lines 49-56; col. 5, lines 22-47; the mobile terminal determines the call type (i.e., parameter) of the incoming call which is used in determining the most suitable terminal (i.e., proposal) to handle the call).

**Regarding claim 9**, the combination of Peters and Jonsson disclose the method according to the claim 1, in addition Peters discloses wherein data connected to the redirection is transmitted to another terminal (col. 4, lines 12-32 ).

**Regarding claim 11**, Peters discloses a system which comprises:

a first communication system capable of being coupled to a first terminal via a data transmission connection ( Fig. 1; col. 4, lines 12-17; col. 4, line 56 – col. 5, lines 1- 22; the mobile terminal MOB\_T (i.e., first terminal) establishes a connection with the presence gatherer PRES\_GATH (i.e., first communication system) to indicate its presence within the area of the presence gatherer), and

wherein a contact directed to the first terminal is capable of being redirected to at least one other communication system (col. 1, lines 52-58), wherein the data transmission connection is capable of transmitting the address of the at least one other communication system as a proposal to the first terminal (Fig. 1; col. 4, lines 12-32; a presence gatherer PRES\_GATH has the task of determining the most suitable terminal to receive incoming calls to a mobile terminal MOB\_T, thus when for example, the mobile terminal receives a fax call or message, the mobile terminal informs this to the presence gatherer (note that inherently the mobile terminal and the presence gatherer set up a connection to communicate), the presence gatherer determines the most suitable terminal to receive the call (e.g., secretary's facsimile terminal FAX\_T) and sends the address of the most suitable terminal (i.e., proposal) to the mobile terminal), wherein the proposal identifies one or more possible call forward targets of the at least one other communication system outside a home network of the terminal (col. 4, lines 23-29; the presence gatherer sends the address of the facsimile terminal to the mobile terminal which is a call forwarding target), said first communication system being capable of automatically setting up a redirection of calls to the terminal to the at least one other communication system in response to the acceptance of the proposal (col. 4, lines 30-41; col. 5, lines 13-46; the mobile terminal MOB\_T receives the address of the fax terminal (i.e., proposal) and applies to the control terminal of the call forwarding unit which automatically forwards the call to the most suitable terminal, note that the automatically applying the address for call forwarding denotes acceptance and/or activation of call forwarding); and

wherein the contact is redirected to the at least one other communication system based, at least in part, on a parameter selected from a group of parameters including at least one

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of: a presence of text content in said contact, a presence of audio content in said contact, a presence of pictorial content in said contact, a subject of said contact, a caller originating said contact, and a calling group originating said contact (col. 2, lines 8-12; col. 4, lines 12-17; the mobile terminal upon receiving call determines the call type (i.e., parameter), for example, the call is a fax call which includes text and the mobile terminal forwards the call because it cannot handle this type of call).

But, Peters does not particularly disclose the features of receiving from the terminal, an acceptance based on the proposal and user input regarding the proposal.

However, Jonsson teaches receiving from a terminal an acceptance based on a proposal and user input regarding the proposal (Fig. 11 steps 468, 470; Abstract; col. 6, line 62 – col. 7, lines 1-32; the mobile terminal displays a list of telephone numbers (i.e., proposals) to a user and the user inputs a preference (i.e., acceptance) to the mobile terminal to receive or make the incoming or outgoing call via one of the nearby fixed telephones). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify Peters to include the features of receiving from a terminal an acceptance based on a proposal and user input regarding the proposal, as suggested by Jonsson, since Jonsson states that such a modification would allow a user to select or accept a network (i.e., proposal) based on a user's preference (see Abstract).

**Regarding claim 12**, the combination of Peters and Jonsson disclose the system according to claim 11, in addition Peters discloses wherein the at least one other communication system is located outside a coverage area of the first communication system (col. 2, lines 29-37;



col. 3, lines 40-58; the collection of terminals comprises a network of devices which it is outside the coverage area of the mobile communication system).

**Regarding claim 14**, the combination of Peters and Jonsson disclose the system according to claim 11, in addition Peters discloses wherein the terminal comprises means for performing mobile communication (Fig. 1; the mobile terminal MOB\_T performs mobile communication).

**Regarding claim 18**, the combination of Peters and Jonsson disclose the system according to the claim 11, in addition Peters discloses wherein data connected to the redirection is transmitted to another terminal (col. 4, lines 12-32 ).

5. **Claim 5 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of JONSSON et al. and LINDBERG et al. (US 2003/0140145 A1).

**Regarding claim 5**, the combination of Peters and Jonsson disclose the method according to claim 1, but the combination does not particularly disclose wherein the terminal functions in an IP based multimedia system (IMS). However, Lindberg teaches that the introduction of IP technology multimedia services has increased the number of ways to communicate (P.0018). Therefore, a person of ordinary skill in the art would have been motivated to modify the combination of Peters and Jonsson to include a terminal that functions in an IP multimedia system, as suggested by Lindberg, because an IP multimedia system provides the establishment of different types of communications, for example: text chat, speech, plain video telephony, etc.

**Regarding claim 15**, the combination of Peters and Jonsson disclose the system of claim 11, but the combination does not particularly disclose wherein the terminal is arranged to

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function in an IP based multimedia system (IMS). However, Lindberg teaches that the introduction of IP technology multimedia services has increased the number of ways to communicate (P.0018). Therefore, a person of ordinary skill in the art would have been motivated to modify the combination of Peters and Jonsson to include a terminal that functions in an IP multimedia system, as suggested by Lindberg, because an IP multimedia system provides the establishment of different types of communications, for example: text chat, speech, plain video telephony, etc.

6. **Claims 10 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of JONSSON et al. and GOSS et al. (US 2002/0137498).

**Regarding claim 10**, the combination of Peters and Jonsson disclose the method according to claim 1, but the combination does not particularly disclose wherein the deactivation of redirection is automatic when the terminal is switched on or at the latest after a certain time. However, this feature is well known in the art and Goss is evidence of the fact. Goss teaches a method for automatic call forwarding when a mobile unit goes out of service, e.g. mobile unit is powered off, and later when the mobile unit comes into service, e.g. powering on or entering an effective wireless coverage area of a wireless network, automatic call forwarding is deactivated (p.0006; p.0010-0011).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination of Peters and Jonsson to include the features of deactivating redirection automatically when for example a terminal is switched-on, as suggested by Goss, in order to overcome the problems of manually deactivating call redirection.

**Regarding claim 16**, the combination of Peters and Jonsson disclose the system according to claim 11, but the combination does not particularly disclose wherein the terminal comprises means for automatically deactivating the redirection. However, this feature is well known in the art and Goss is evidence of the fact. Goss discloses a method for automatic call forwarding when a mobile unit goes out of service, e.g. mobile unit is powered off, and later when the mobile unit comes into service, e.g. powering on or entering an effective wireless coverage area of a wireless network, automatic call forwarding is deactivated (p.0006; p.0010-0011). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify the combination of Peters and Jonsson to include the features of providing automatic deactivation of redirection, as suggested by Goss, in order to overcome the problems of manually activating and deactivating call redirection, thus lowering the number of missed calls.

7. **Claims 3 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over PETERS et al. in views of JONSSON et al. and De LOYE et al. (US 2002/0115471 A1).

**Regarding claims 3 and 13**, the combination of Peters and Jonsson disclose the method and system according to claims 1 and 13, but the combination does not particularly disclose wherein the data transmission connection comprises a short-range wireless data connection.

However, in the same field of endeavor, De Loye teaches a method for call forwarding in which a mobile terminal communicates with office devices (i.e., call forwarding targets) using a short-range interface. The mobile terminal thanks to the short-range interface can identify which office devices are located in its proximity and forward the calls to these devices according to their capabilities (Abstract; paragraphs [0008]-[0018] ).

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Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination of Peters and Jonsson to include the features of wherein the data transmission comprises a short range wireless data connection, as suggested by De Loye, since such a modification would allow the mobile terminal to identify the presence of a suitable communication network or devices to handle calls in its proximity.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Art Unit 2617

  
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